

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

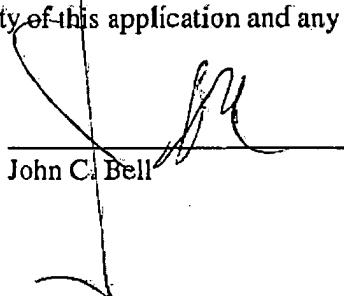
Inventor(s): John C. Bell, *et al.* Atty. Ref.: 18041B-PCTUS
Appl. No.: 10/551,103 Group Art Unit: 1648
Filed: September 26, 2005 Examiner: Mosher, Mary
Conf. No.: 1653 Customer No.: 31976
For: MUTANT VESICULAR STOMATITIS VIRUSES AND USES THEREOF

Declaration Under 37 CFR § 1.131

We, John C. Bell, David F. Stojdl and Brian D. Lichy, do hereby declare and state:

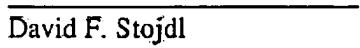
1. We are the inventors of the subject matter described in the above identified utility patent application as claimed in all of the claims 3-6 and 8-20, as amended by the Amendment submitted herewith.
2. The subject matter of claims 3-6 and 8-20, as submitted herewith, was conceived and reduced to practice by us before September 9, 2002. As evidence of this fact, attached hereto as Exhibit 1 are copies of laboratory notebook pages showing the use of this invention. The dates have been redacted on these copies.
3. The experiment described in Exhibit 1, was performed in Canada.
4. Exhibit 1 shows the results of an experiment that produce a $\Delta M51$ mutant vesicular stomatitis virus. For example, the bottom right corner of the page describes that the virus designated XNDGM4 was obtained, which is a $\Delta M51$ mutant vesicular stomatitis virus.
5. In Exhibit 1, at the very bottom of the page is the statement that “[a]ll this is pending sequencing to confirm mutant”. Prior to September 9, 2002, this sequencing was performed and confirmed that the mutant vesicular stomatitis virus had the $\Delta M51$ mutation.

6. All statements made of my own knowledge are true, and all statements made on information and belief are believed to be true. I am aware the willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of this application and any patent issuing thereon.



John C. Bell

July 20/09
Date



David F. Stojdl

Date



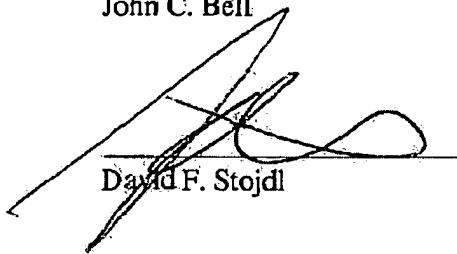
Brian D. Lichy

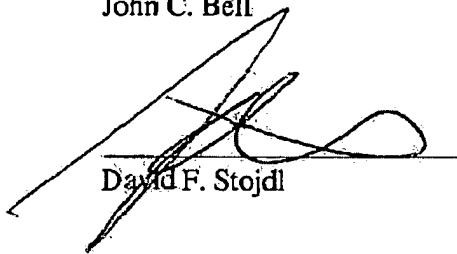
Date

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John C. Bell

Date


John C. Bell



Date

Brian D. Lichtry

Date

-2-

Bell *et al.*
Appl. No. 10/551,103

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John C. Bell

Date

David F. Stojdl

Date

Brian D. Lichy

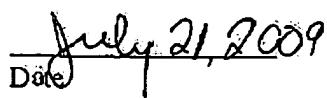
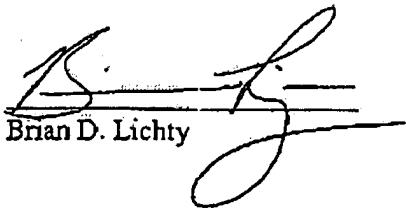
Date

Exhibit 1

EXPT NO ASSAY

23

6/16/81 NSV { ^{NOTES} Rescue of AMS1

REDACTED

DATE

1. At 10:00 AM I added 10% Vero overlay to 250 ml of BHK T75. I added 10% Vero overlay to 250 ml of BHK T75.

2. Added to BHK T75 20 mg/ml AMS1 (10% Vero overlay) and 30 mg/ml ARAC (high glucose).

3. At 10:00 AM I added 10% Vero overlay to 250 ml of BHK T75. I added 10% Vero overlay to 250 ml of BHK T75.

Abs (over 24h later)

Took 5 small tissue tracts of BHK T75 rescue well (pg 22) and infected Vero cells. The pictures of 20 mg/ml ARAC for 2 hours.

And 3rd Dose (high glucose) w/ 30 mg/ml ARAC

To the tranches of BHK T75 cells I added 3ml DMEM and 30 mg/ml ARAC to later check recovery

(as I suspect BHK don't like Optimum for long periods of time)

Checked all plates

Good News: well #6 B. from Dec 11 (pg 20) has $\frac{1}{4}$ of the plate with CPE distinction of BHK T75 & Vero overlay. will monitor to see if CPE spreads

This represents XNDGM4 !!! (i.e. \triangle MS1 in NSVXN
But this mutant is selectable backbone)

Now I must rescue it in my NSVXN backbone

All this is pending sequencing to confirm mutant

2. All work is pending sequencing to confirm mutant

SIGNATURE
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